

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

Case No. 06-50070

HARINARIN VIJAYAMPA

DEFENDANT

O R D E R

Now on this 27th day of February, 2007, the above referenced matter comes on for this Court's consideration. The Court, being well and sufficiently advised, finds and orders as follows with respect thereto:

1. On November 15, 2006, the defendant was indicted on child pornography charges and later arrested with respect to same.

2. On December 4, 2006, the defendant was released on a \$2,500.00 unsecured signature bond.

3. On February 26, 2007, this matter came before this Court for a change of plea hearing; however, the defendant did not appear. Defendant's counsel, Joseph Paul Smith, did appear. Mr. Smith assured the Court that he had advised defendant of the date and time of the hearing. He could offer no reason why defendant did not appear and stated that he did not know defendant's whereabouts.

In light of defendant's failure to appear, the Government moved orally to revoke the defendant's bond and asked that an arrest warrant be issued for the defendant.

The Court took both matters under advisement until February 27, 2007 at 10:00 A.M. in order to permit Mr. Smith a chance to try

to locate defendant.

4. Defendant did not appear prior to 10:00 A.M. on this date, February 27, 2007. Defendant's counsel, Joseph Paul Smith, again advised the Court today, February 27, 2007, that he had been unable to contact defendant and that defendant's whereabouts are unknown to him.

5. Rule 46(f)(1) of the Federal Rules of Criminal Procedure mandates that the Court declare the bond forfeited if a condition of the bond has been breached. One of the conditions of defendant's bond was that he appear before the Court as and when directed. The Court is satisfied that defendant well knew of his obligation to appear for the change of plea hearing and, thus, a condition of his bond has been broken.

Accordingly, the Government's oral motion is **GRANTED** to the extent that the Court hereby declares the \$2,500.00 bond forfeited.

Moreover, the Government's oral request that a warrant be issued for defendant's arrest is also **GRANTED** and such a warrant will be issued forthwith.

IT IS SO ORDERED.

/S/JIMM LARRY HENDREN
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE